United Nations A/C.3/54/SR.34

General Assembly
Fifty-fourth session

Official Records

Distr.: General
22 November 1999

Original: English

Third Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Friday, 5 November 1999, at 10 a.m.

Chairman: Mr. Galuška ..... (Czech Republic)

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The meeting was called to order at 10.20 a.m.

Agenda item 116: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/54/93, 137, 216, 222 and Add.1, 303, 319, 336, 360, 386, 399 and Add.1, 401, and 439)

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/54/188, 302, A/54/330-S/1999/959, A/54/359, 361, 365, 366, 387, A/54/396-S/1999/1000, A/54/409, 422, 440, 465, 466, 467, 482, 493 and 499; A/C.3/54/3 and 4)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action *(continued)*

(e) Report of the United Nations High Commissioner for Human Rights *(continued)* (A/54/36)

1. **Mr. Hammarberg** (Special Representative of the Secretary-General for Human Rights in Cambodia), introducing his report on the situation of human rights in Cambodia, (A/54/353), said that the devastation caused by the Khmer Rouge in Cambodia had made it difficult to build strong democratic institutions, including an effective system of justice. The unfortunate result had been the phenomenon of impunity. From discussions with judges, he had learned about the huge problems facing the Cambodian justice system, including the absence of a code of criminal procedures, the lack of adequately trained lawyers, confusion as to the jurisdiction of civil and military courts, and cases of unlawful detention. Cambodia's Supreme Council of Magistracy, established to oversee the judicial system, had only very recently begun to meet.

2. Crucial legal texts and case references were not always available in the courts themselves, while forensic equipment, transport and investigative resources were often in limited supply. Periods of pre-trial detention were excessive and court salaries were so low as to provide an incentive for bribery. The result was a crisis of trust in Cambodia's justice system. The new Government had initiated a process of reform, with the drafting of a criminal procedures code, a magistrates statute and a statute on court clerks. A number of legislative proposals would be submitted to the National Assembly in November 1999. Japan, France and Canada, among others, had offered constructive assistance with the process. In another welcome move, the National Assembly had recently amended article 51 of the Civil Servants Act, an article which had previously required courts to seek political permission before arrest and prosecution in particular cases.

3. However, legal reform was no cure-all. Further measures were needed to protect the independence of the judiciary, which had on occasion faced not only political pressure but also armed threats from the military. Cambodia's Prime Minister had provided assurances that action would be taken to ensure cooperation of the military with Cambodian courts. More action was needed to bring to justice those responsible for serious acts of politically motivated violence. The fact that no one had been arrested or sentenced in connection with a hand-grenade attack outside the National Assembly in 1997, or with the murder of the Secretary of State Ho Sok, undermined the credibility of the justice system. There seemed to be widespread hope in Cambodia that those responsible for the most serious crimes under the Khmer Rouge regime would be tried, with significant international participation and guarantees of international standards of justice, fairness and due process of law. Such a trial would be important for the memory of those who had died, and would serve as a message to future generations.

4. Prison conditions and basic facilities were in dire need of reform. The Deputy Prime Minister and Co-Minister of the Interior was planning a review and more assistance was needed in that regard. Improvements had been made in the area of health. Although still high, infant mortality rates had declined significantly. However, about one half of all children were reportedly malnourished, and stuntedness was widespread. Maternal mortality rates were high, as was the incidence of HIV/AIDS. Nonetheless, the Ministry of Health was to be commended for its far-reaching plans.

5. Over one fifth of children aged between six and eleven years did not attend school, while school drop-out and repetition rates were high. Children with disabilities risked being excluded from the school system. The enrolment rate in the provinces was under 50 per cent, and the whole education system suffered from under-resourcing. The current trend towards privatization looked likely to exacerbate inequalities. International support for education reform in Cambodia was vital.

6. Minorities suffered problems relating to land use and entitlement. Further, the status of people of Vietnamese origin who had long lived or had been born in Cambodia required clarification. Outbursts of xenophobia and anti-Vietnamese agitation had been condemned, and politicians

who took a principled stand against such behaviour were to be commended. Cambodia faced many problems requiring considerable resources. The United Nations, other organizations and Governments should respond positively to any requests from Cambodia for assistance. The Office of the United Nations High Commissioner for Human Rights would continue its work programmes, for at least a further two years.

7. **Mr. Ouch Borith** (Cambodia) said that according to a 1995 agreement, the comments of his Government were either to be incorporated as an annex to the Special Representative's report, or issued as a separate document of the United Nations. It was regrettable that those conditions had not been adhered to and that the Special Representative had sent the report too late for his Government to be able to comment on it. The Special Representative should take steps to avoid such delays in the future, for the sake of fruitful cooperation between the Royal Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights.

8. The report made a number of unfounded allegations, couched in language that was sometimes inappropriate and failed to reflect his Government's political commitment to improving the human-rights situation in Cambodia. The report also contained unsubstantiated statements, apparently based on rumour and hearsay. Impunity was not a policy of the Cambodian Government, which made every effort to investigate and prosecute every crime. However, poor training and under-resourcing meant that such efforts could be slow, incomplete or inconclusive. Cambodia believed that the right to food, education and health were just as important, if not more so, than the right to have access to the media, particularly as certain politicians only used the media to stir up unrest. No one was above the law, not even those that claimed to be champions of human rights.

9. The Special Representative had devoted considerable attention to the question of legal proceedings against crimes committed by the Khmer Rouge in Cambodia. His delegation wished to stress once more that the liberation of Cambodia had marked a historic turning point, whereby the Cambodian people regained their fundamental rights and freedoms, including the right to practise their traditions and customs. Such an achievement should not be overshadowed by political or strategic considerations. The holding of elections in May 1993 and July 1998 had also signalled the final demise of the Khmer Rouge.

10. It was ironic that a full 20 years after the defeat of the Khmer Rouge, when political stability had finally been achieved, there was a sudden clamour for the prosecution of the Khmer Rouge leaders. Since the Government of Cambodia was currently negotiating with the United Nations on the modalities of international assistance for such a trial, care should be taken, particularly by the sponsors of the draft resolution on human rights in Cambodia, not to prejudice the negotiations by imposing conditions on a sovereign State and responsible member of the United Nations. Justice for the people of Cambodia had to be assured.

11. The use of the term "extra-judicial killings" in paragraph 28 of the report was the result of a misunderstanding: capital punishment was not sanctioned under the Cambodian legal system. Every killing or attempt on a life was punishable by law. While cases of violence had occurred, uncorroborated reports of human-rights violations had been repeatedly exaggerated by opposition parties before, during and after the July 1998 elections. Observers had testified that those elections had been fair and free.

12. In spite of limited resources, prison conditions were improving: indeed, prisoners were not the worst off group in Cambodian society. The Royal Government of Cambodia had extended the mandate of the Office of the High Commissioner for Human Rights in Cambodia for a further two years, and very much appreciated its assistance in establishing local human-rights groups and training of human-rights workers. However, it regretted the impression that the Special Representative was a kind of law-enforcement officer, who criticized Cambodia for its deficiencies without providing adequate resources to remedy them. Nonetheless, the human rights situation in Cambodia had improved considerably, thanks to the efforts made by responsible citizens.

13. **Mr. Rytövuori** (Finland), speaking on behalf of the European Union, asked if the Special Representative could be more specific about what else needed to be done to effect legal reform in Cambodia and solve the problems concerning the rule of law, the judiciary and impunity. Further details would be welcome about the priority areas for prison reform and the reform plans of the Ministry of Education, together with some suggestions concerning the role and priorities of the Office of the High Commissioner in Cambodia in the coming two years and, possibly, beyond.

14. **Ms. Ito** (Japan) said that, given the country's tragic history, it was probably very difficult for the Cambodian Government to tackle its many tasks alone. She wanted to know what more could be done internationally to help promote and protect human rights in Cambodia.

15. **Mr. Hammarberg** (Special Representative of the Secretary-General for Human Rights in Cambodia) said that he wished to underscore the cooperative and constructive

relationship between his Office and the Cambodian Government, to dispel any impression that the atmosphere was more confrontational than it actually was. Everything that he had said in his presentation he had already stated in a speech before the Cambodian National Assembly two weeks previously. He had felt that his analysis was widely shared and that there was no attempt to hide problems such as impunity. Indeed, the willingness to confront problems was one of the highly positive aspects of the current political debate in Cambodia.

16. In terms of the timeliness of his reporting, the problem was translation into Khmer. The Cambodian Government had in fact received his report, in English, at the beginning of September 1999. There had been no suggestion that impunity was a policy of the Cambodian Government, but it was a real problem that needed to be addressed. He himself had raised the matter with the Prime Minister in connection with the failure of certain members of the military to recognize the authority of the courts. All Government ministers agreed about the need for higher salaries in the judicial system, for more training and more lawyers, as well as better cooperation between the courts and the police. International solidarity and support were also vital.

17. Reports of human-rights violations and extra-judicial killings were not confined to the period surrounding the 1998 elections, but also related to incidents that had occurred in 1997. The Special Representative was indeed not a law-enforcement officer, but sought to report on the human-rights situation in collaboration with the national Government through dialogue aimed at remedying problems identified. The Ministry of Education in Cambodia had developed a number of educational programmes, while the major United Nations agencies were working to train and recruit teachers, who were in short supply. The problem of HIV/AIDS in Cambodia was a bomb waiting to explode. International assistance was vital there, as it was in the area of judicial reform.

18. While the World Food Programme (WFP) currently provided some food to Cambodian prisons, it did not wish to continue the arrangement, which it viewed as exceptional. The international community should instead provide assistance in areas such as the repair and construction of prison buildings. While his Office could not and should not stay in Cambodia for ever, much remained to be done in terms of work with non-government organizations, human-rights training for the police, police reform and human-rights education.

19. **Mr. Ouch Borith** (Cambodia) said that his delegation had not wished to attack the Special Representative, but simply to draw his attention to the need for timely reporting. After 20 years of armed conflict and division, the first new Cambodian Government had been established only in 1993, and was thus still in its infancy. It would take time to solve the many problems which Cambodia faced.

20. **Mr. Von Kaufmann** (Canada) asked what progress there had been on establishing in Cambodia a tribunal meeting international standards of justice and what the situation was regarding the human rights of ethnic minorities, especially Vietnamese.

21. **Mr. Hammarberg** (Special Representative of the Secretary-General for Human Rights in Cambodia) said that the Prime Minister of Cambodia had informed him that the country would respond by the end of the current month to United Nations proposals for the establishment of a tribunal of the kind referred to by the representative of Canada. It would then be for the Secretary-General and his legal advisers to determine whether the United Nations could participate in a judicial process such as Cambodia proposed. Should that decision be positive, the court's activities would provide an interesting model, with the United Nations lending expertise to ensure that international standards were respected, but the proceedings being conducted under national auspices. Regarding ethnic minorities, there had been expressions of anti-Vietnamese xenophobia in political discussions and through the lynching of four Vietnamese in Phnom Penh in 1998. The Government, however, was not to blame for that. Generally speaking, the Vietnamese were under pressure. The international community had a duty to defend them as it was politically difficult for the Government to do so very openly.

22. **Mr. Copithorne** (Special Representative on the Situation of Human Rights in the Islamic Republic of Iran) said, in introducing his fourth interim report (A/54/365), that since his previous report the human rights situation in the Islamic Republic of Iran seemed to have improved in important areas but not in certain critical ones. Impatience with the pace of reform had grown steadily in the first six months of 1999 and had apparently been among the factors that had led to the student demonstrations in July, which had been widely regarded as the Government's most serious challenge since the foundation of the Islamic Republic. The critical areas included freedom of expression. The ministry in charge of press supervision was losing ground to powerful conservative elements, particularly the judiciary and the legislature, which, in their apparent determination to resist the President's vision for the country, were seriously harming freedom of expression. The detrimental impact of that on the overall human rights situation in the Islamic Republic could not be overestimated.

23. The legal system, especially the courts, was also impeding improvements. Several of the country's leaders had acknowledged that reform of the legal system must be a priority. The newly appointed head of the judiciary had huge expectations to fulfil, including curtailment of the power of various special courts, specifically the Revolutionary Court, the Clerics Court and the Court for Public Employees. Such tribunals must have little, if any, role in a truly civil society, where everyone was equal before the law. It was also urgent to guarantee the right of fair trial to all Iranians, including particularly vulnerable groups such as student leaders, political activists, including members of the Iran Nation Party, and persons accused of espionage. Students active in the July 1999 demonstrations in Tehran and Tabriz appeared to have been tried in secret, and the Jews in Shiraz referred to in paragraph 33 of his report had been subjected to prolonged detention, reportedly without access to lawyers of their choice or publication of the evidentiary basis for the charges against them.

24. More must be done to bring to account those involved in various outrages, some of them horribly bloody. Deep suspicions remained about the investigations into the series of murders of dissident intellectuals and political figures late in 1998 and into the raids on University of Tehran student dormitories that had led to the July 1999 demonstrations. Clearly, the Government must take a number of significant steps to improve the human rights situation. Progress was being made: the municipal elections of early 1999 had been widely regarded as open and fair, and women had wider access to education, although the systemic limitations on their role in society remained. Tentative progress had been made regarding treatment of defenders of human rights, a new Association to Protect Press Freedom was apparently in operation and a National Association for Children's Rights had been established.

25. Such improvements could, however, only be fully realized in a society in which a culture of human rights had taken hold. In that regard, the current trial before the Clerics Court of a reform-minded cleric best known as a publisher and political activist was being widely viewed as the severest challenge yet to the President's ambition to establish a civil society. Lastly, he pointed out that no invitation for him to visit Iran had been forthcoming during the period under review. He had, therefore, been unable to visit the country since February 1996.

26. **Mr. Londono** (United States of America) asked whether the Special Representative knew of other laws which discriminated against women besides those mentioned in his report. He also wondered whether the concerns that the Special Representative had expressed in earlier reports and paragraph 30 of the current report regarding the Clerics Court extended to the Revolutionary Court and the Court for Public Employees.

27. **Mr. Rytövuori** (Finland), speaking on behalf of the European Union, expressed regret at the length of time for which the Special Representative had been unable to visit the Islamic Republic of Iran. A visit would facilitate dialogue with the country's authorities. He would like to know what the most crucial aspects of freedom of expression currently were in the Islamic Republic and would also welcome more information about the situation of religious minorities and the activities of the Islamic Human Rights Commission.

28. **Mr. Sumi** (Japan) requested the Special Representative to provide an up-to-date assessment of the student demonstrations' impact on democracy. It was certainly regrettable that there had been no recent invitation to the Special Representative to visit the Islamic Republic, but the Iranian Government had said that it was ready to respond whenever he had questions for it. How, in fact, was it cooperating with him?

29. **Mr. Copithorne** (Special Representative on the Situation of Human Rights in the Islamic Republic of Iran) said, in response to the question concerning discrimination against women, that his previous reports contained suggestions as to which Iranian laws needed review. The relationship between legislation and the Shariah was of importance, and the question which Shariah requirements were obligatory and which discretionary was clearly the subject of active discussion in the country. His report spoke more often of the Clerics Court than of other special courts because that body seemed increasingly to be taking the lead in jurisdiction over the press, in an obvious attempt to frustrate the enforcement of laws on press matters; moreover, it was often said in the Islamic Republic that there was no statutory basis for the Clerics Court. The Revolutionary Court and the Court for Public Employees had, by and large, aroused less opposition.

30. The aspect of freedom of expression under the heaviest challenge at the current time was the freedom of the media to express their own opinions. That freedom was severely constrained. On the other hand, far more press licences were being issued than newspapers were being closed. In reporting on religious minorities he had largely deferred to the Special Rapporteur on the question of religious intolerance, who had made specific recommendations for change, most of which remained unimplemented. His personal impression was that most religious minorities in the Islamic Republic of Iran were subjected to discrimination;

and he would continue to investigate the matter. He hoped that the Islamic Human Rights Commission would become more active and more independent of the Government and attain the status of the country's principal human rights watchdog.

31. In raising the subject of the student demonstrations' impact on democracy, he had been thinking of the outcome of the trials of student leaders. As the first result in that respect had been the announcement that four persons had been sentenced to death and others to prison after a number of apparently secret trials, the demonstrations could not be said to have been a successful test of human rights. The Iranian Government had cooperated with his office by supplying certain information directly or during visits to Geneva by Iranian officials. It had not, however, given him any recent invitation to visit the country.

32. **Ms. Aguiar** (Dominican Republic) expressed pleasure that the Islamic Republic of Iran was moving towards democracy and a culture of human rights. Her country's Congress had appealed for clemency for a number of persons sentenced to death there. Did the Special Representative know what effect such appeals from national parliaments had had?

33. **Mr. Von Kaufmann** (Canada) asked the Special Representative for information on the number of executions in the Islamic Republic of Iran, the methods used and on arrangements to ensure fairness during the election to the sixth Majlis.

34. **Mr. Faridzadegh** (Islamic Republic of Iran) wondered what grounds the Special Representative had for saying in the summary of his report that there was scepticism concerning the Iranian President's commitment to reform, that freedom of expression had suffered a setback — an opinion that the Special Representative had also expressed in the report's conclusions — and that there was scepticism concerning the investigation of a particular series of murders. Firstly, the Iranian administration was resolved to pursue a course of reform. Second, more newspapers were being licensed than closed, as the Special Representative himself had remarked, and most of the publishers and writers whose publications had been ordered to shut had had the right to resume publication immediately. Third, the murder case in question was an example of transparency: the Ministry of Intelligence would have to acknowledge that its agents had murdered people and then the judicial process would go forward to a decision as to how to prosecute.

35. **Mr. Copithorne** (Special Representative on the Situation of Human Rights in the Islamic Republic of Iran) said that appeals for clemency had come from several parliaments and Governments. His impression was that the Iranian Government took such calls very seriously, but he was uncertain how they affected specific cases. He would pursue the matter if the representative of the Dominican Republic so wished. He had received no fresh information of use in answering the question concerning executions. It was still too early to say how arrangements for the election to the Majlis might develop, but he did know that a lively debate was in progress in the Islamic Republic concerning, *inter alia*, the role of the Council of Guardians.

36. While summaries and conclusions necessarily contained generalized statements, he regretted any misunderstanding that might have arisen. He had not meant to imply that the Iranian President's or executive's support for reform had lessened; he believed that they were doing as much as they could in the current context to pursue change. He had spoken of scepticism regarding reform because of his impression from newspaper reports that there was widespread frustration with the obstacles being raised to the President's policy.

37. Regarding freedom of expression, it was, on balance, leading reformist newspapers that had been closed, some of them several times. With respect to the related freedom of assembly and peaceful demonstration, Iran suffered from a paradox: open debate was possible, but was repressed by certain groups. The glass could be said to be half-full concerning the possibility of broadened discussion, but half-empty concerning the protection of such discussion. Concerning the murder case, he considered it intolerable, in view of the atrocities involved, that a matter which had been on the agenda since the previous January had still not come before the courts.

38. **Mr. Fadaie** (Islamic Republic of Iran) said that the issue of human rights in his country was highly politicized. The human rights situation in any country should be evaluated in the context of the reform policies of its Government, and isolated incidents should not affect the international community's assessment. Statistics showed that his Government's record of respect for human rights was improving in every regard.

39. The case of the thirteen Iranian Jews accused of espionage had been the subject of a worldwide disinformation campaign. Jews had lived in the Islamic Republic of Iran for millennia and had been protected under the Constitution since the revolution. Moreover, Muslims accused of belonging to the same spy network had also been arrested. Because the case was still under investigation, no date had been set for the trial; however, the accused had legal representation and the right to receive visitors. Thus,

the allegations were politically motivated and the issue was not one of human rights.

40. Press reports of four death sentences in the case of the student demonstrators were false. All of the Government's top officials had expressed support for the students and had stated that the use of force against them constituted a crime. The police officers involved had been relieved of duty and were under investigation, and the Tehran chief of police and one officer had already been dismissed from their posts. Furthermore, it was important to distinguish between the student demonstrations and the destruction of public and private property by agitators a few days later, which had resulted in a number of arrests and trials. While he could not comment on the trials of eminent persons, it was important to remember that those proceedings had been conducted with openness and transparency and had raised important issues of power-sharing within the system and of Government accountability.

41. **Mr. Franco** (Special Rapporteur on the situation of human rights in the Sudan) introducing his first interim report on that issue to the General Assembly (A/54/467), said that, in February 1999, he had visited Khartoum and the south of the country, followed by the territory controlled by the other party to the conflict and had then travelled to Nairobi to meet with the leader of the Sudan People's Liberation Army (SPLA).

42. During the reporting period, the Government had authorized the United Nations to undertake a needs assessment mission to the Nuba Mountains, which had been carried out from 21 to 24 June 1999. The Government had also established the Committee for the Eradication of Abduction of Women and Children (CEAWC). The Government had also invited the Office of the United Nations High Commissioner for Human Rights to undertake a mission in order to consider the Government's requests for technical assistance, including the possibility of establishing a permanent representation in the country.

43. However, despite those measures, the human rights situation in the Sudan remained very disturbing. Despite the low intensity of the war, currently in its seventeenth year, its impact on women and children had been disproportionate and devastating. Both parties to the conflict, particularly the Government, had violated principles of human rights and humanitarian law. Despite repeated appeals from United Nations bodies, bombing of the civilian population, enforced displacement both within and outside the country, summary and extrajudicial execution, violation of the right to life and the right to physical safety of prisoners of war, attacks on the civilian population, abduction and subjection to forced labour of women and children and obstruction of humanitarian assistance continued unabated.

44. In its efforts to ensure control of the petroleum resources in the western Upper Nile, the Government had resorted to serious violations of international humanitarian law, dispersing the Nuer tribe, discouraging solidarity in the south and undermining the 1997 Khartoum peace agreement. The opposition's assertion that oil-related operations and facilities should be considered legitimate military targets could further extend the area of conflict and lead to further human rights violations. In that regard, he noted that in its resolution 1999/15, the Commission on Human Rights had condemned the murder of four Sudanese relief workers while in the custody of the SPLA.

45. He was concerned that the lack of security and frequent obstruction of humanitarian assistance might lead to a humanitarian crisis equal to that of 1998. Unfortunately, there had never been a bilateral ceasefire agreement, only short-term unilateral ceasefires in various regions. Even more serious was the impunity enjoyed by human rights violators on both sides of the conflict.

46. The Sudan had the highest rate of forced displacement in the world. In particular, women and children were being abducted for slavery-like purposes. He hoped that the recently established CEAWC would make it possible to locate the victims, promote family reunification, put an end to attacks on the civilian population and punish those responsible. Despite the many years of war and the uncertain prospects for peace, improvement in the situation of human rights could not be postponed until the conditions of a peace settlement were determined.

47. He attached great importance to the stated will of the Government to bring peace to the country and promote the transition to democracy. Those objectives were intertwined and must also go hand in hand with the promotion and protection of human rights. Although the Constitution was not the product of a broad political consensus, it should nevertheless be interpreted as a positive step because of the human rights and freedoms enshrined in it. Regrettably, its adoption had been overshadowed by violations of political freedoms and human rights, particularly those committed against human rights advocates and political, religious and student leaders. Many of the victims had been tortured and some had been killed.

48. During the reporting period, he had received continued reports of violations of the right to freedom of expression, freedom of the press and freedom of assembly, which were essential components of the transition to democracy. Those events were particularly unfortunate in light of the fact that

his report to the Commission on Human Rights (A/CN.4/1999/38/Add.1) had mentioned improvement in that regard. In particular, there had been cases of the selective intimidation and harassment of citizens, particularly those from the south of the country.

49. He had also received complaints of torture, lack of due process and unacceptable conditions of detention for individuals accused of crimes against the State. While he appreciated the efforts of the national Advisory Council for Human Rights, greater efforts were needed to prevent further occurrences of such violations. Furthermore, the Government should take the necessary legal, political and administrative measures to ensure the transition from a state of emergency to a political system based on the rule of law.

50. **Ms. Ahmed** (Sudan) noted with satisfaction that the Special Rapporteur had attached the highest importance to the Government's stated will to promote peace and democracy since most, if not all, allegations of violations of human rights and humanitarian law were attributable to lack of peace and democracy. The Special Rapporteur had also made a number of other positive comments in his report, including acknowledgement of the new Bill of Rights; the cooperation extended by her Government to the needs assessment mission carried out by the Office of the High Commissioner for Human Rights; developments introduced by the new National Security Forces Act of 1999; the Government's authorization of the humanitarian assessment mission to the Nuba Mountains; the creation of the CEAWC; the newly acquired right of Sudanese women to pass on their nationality to their children regardless of the father's nationality; constitutional provisions for freedom of religion; the lifting of restrictions on women travelling abroad; the Government's commitment to the protection of children affected by war; and the invalidation of the proceedings of the Field Military Court, which had been trying civilians.

51. However, like the Special Rapporteur's earlier report to the Commission on Human Rights (E/CN.4/1999/38/Add.1), the current document failed to take adequately into account the Government's firm commitment to bringing peace to the country by granting southern Sudan the right to self-determination within four years as from 1997; guaranteeing fundamental human rights and freedoms; recognizing the very diverse nature of Sudanese society and the fact that all rights and obligations were based on citizenship rather than on religious or ethnic affiliation; being ready to declare a permanent ceasefire throughout the country; sharing wealth and power fairly; and recognizing the boundaries declared by the former colonial Power for the southern states.

52. The Special Rapporteur had failed to recognize that, unlike the SPLA, the Government had committed itself to resolving those issues when it had signed the 1997 Khartoum Peace Agreement. He had even held the Government and the SPLA equally responsible for not accepting a comprehensive ceasefire, despite the fact that the Commission on Human Rights, in extending his own mandate, had welcomed the Government's declaration of a comprehensive ceasefire. The SPLA was solely responsible for the continuation of the armed conflict and for all violations relating to it.

53. Her Government had honoured its promise to repeal all constitutional decrees and promulgate a new constitution containing a comprehensive bill of rights; the Special Rapporteur had recognized the significance of the new Constitution, which guaranteed the Sudanese people most of the rights set forth in the International Covenant on Civil and Political Rights. He had noted the enactment of legislation aimed at greater political pluralism and an atmosphere of broader political debate and openness. There were greater freedoms than in the previous year.

54. Although the Special Rapporteur had compared the new Constitution with an academic ideal, her Government would take note of his recommendations and consider how best to make use of them. It was regrettable that the Special Rapporteur had failed to raise the question of slavery during his recent visit to the Sudan. The allegations that he had made in that regard had been refuted by credible persons of international standing. The Special Rapporteur should reconsider his findings, particularly in light of the activities of the Committee for the Eradication of Abduction of Women and Children (CEAWC), and it was hoped that he should also support that Committee's peace-building work.

55. Her Government believed that national human-rights capacity-building was far less expensive and more effective than a United Nations human-rights field presence and hoped that significant support would be provided for capacity-building initiatives. In reiterating its strong commitment to human rights, her Government utterly condemned efforts to politicize human rights through the adoption of unilateral measures in contravention of the Charter and international law.

56. **Mr. Franco** (Special Rapporteur on the situation of human rights in the Sudan) said that the Sudan's interpretation of his report had been overly positive. For example, he had not yet received from the Government the full text of the revised National Security Act and was thus unable to evaluate its provisions. He saw no reason to alter his comments on slavery-like practices in the country, but hoped that the newly created CEAWC would solve the

problem. Lastly, he had noted repeatedly that the Government must meet the obligations that it had assumed under the international human rights instruments to which it was a party. In that regard, the provisions of the new Constitution were idealistic but had been poorly implemented, to date.

57. **Mr. McKee** (United States of America) said that his delegation would appreciate hearing the Special Rapporteur's current assessment of the extent of the slavery problem in the Sudan, in particular whether slavery was being used as a war tactic by the Government and how the international community should respond. The Special Rapporteur might also comment on the extent of the Government's persecution of religious groups and indicate what steps the Government must take. His delegation also wished to know whether the Government's offences in oil field areas pointed to a campaign of ethnic cleansing. Lastly, an assessment of progress made towards establishing a presence of the Office of the High Commissioner for Human Rights in Khartoum would also be appreciated.

58. **Mr. Rytövuori** (Finland), speaking on behalf of the European Union, welcomed the willingness of the Sudanese Government to cooperate with United Nations human rights mechanisms. In general, the situation continued to give rise to considerable concern. The Special Rapporteur should describe any new legislative measures which might pave the way for a "transition from a de facto emergency regime to a more open and democratic system based on the rule of law" (A/54/467, para. 146). Information on any government steps to protect war-affected children would also be appreciated.

59. **Ms. El-Hajjaji** (Libyan Arab Jamahiriya) drew attention to paragraph 30 of the report, which mentioned the five-point peace plan proposed jointly by her Government and that of Egypt and said that the Libyan Arab Jamahiriya was committed to continued involvement in that process until full success was achieved. She also noted the Special Rapporteur's comments on the cooperation that he had received from the Government of the Sudan throughout his visit and on that Government's genuine will for change (paras. 9 and 12).

60. With respect to the Special Rapporteur's allegations of slavery in the Sudan, she noted that the Commission on Human Rights had deleted all references to such practices from its resolution 1999/15, adopted by consensus at its fifty-fifth session, thereby demonstrating that the problem no longer existed. She did not agree with the Special Rapporteur that the discovery of oil in the country had exacerbated the conflict and led to human right violations. On the contrary, profits from the oil sales would foster development, consolidate economic growth and promote national reconciliation. Lastly, with respect to reports of religious intolerance, the Vice-President of the Sudan and a number of government officials were Christians and would certainly have addressed such a problem had it been found to exist. The Government of the Sudan was prepared to cooperate with the Special Rapporteur and had already begun to enact reforms. It, and all Governments willing to cooperate with the United Nations human rights mechanisms, deserved the support of the international community.

61. **Mr. Franco** (Special Rapporteur on the situation of human rights in the Sudan) said that he was unable to assess the extent of the slavery problem. Although he was aware that similar situations existed elsewhere in the country, he had restricted his study to the situation along the Babanusa-Wau railway line in northern Bahr el Gazal. The Government of the Sudan had acknowledged that problems of abduction and forced labour did exist, claiming that tribal issues and a scarcity of resources were responsible. It was his own view that such practices might well form part of a deliberate war strategy. He regretted that he had no further information to add to his report.

62. The mechanism established by the Sudanese Government for investigating allegations of slavery was to be welcomed. The international community, for its part, must acknowledge the seriousness of the problem and call for the identification and return of victims and the reunification of families. Moreover, the Government must put an end to armed raids against villages and ensure that persons responsible were brought to account. Although he had no evidence to suggest that religious freedom was being systematically impeded, it was clear that there were problems affecting both Christians and Muslims and that there were a number of areas requiring Government action.

63. Now that a good relationship of cooperation had been established with the Sudan, the identification of problems would prove an important step towards solving them. The Government did have the means at its disposal to improve the situation significantly, however its attitude remained somewhat self-defensive. The new Constitution was being taken seriously, however the transition towards democracy must place security agencies under judicial control. Above all, there must be no complacency about human rights, even during conflict. All too often in the Sudan, in all sectors of society, he had encountered the view that human rights must wait until peacetime. Much could be done at the current time, however not only to alleviate the suffering of women and children, but also to foster peace.

64. The exploitation of oil did, of course, represent a positive development insofar as it contributed to the wealth of the country. From a human rights perspective, however, the displacement of local people — on scale far greater than that mentioned in his report — was a matter for concern. However, he was unable to confirm the existence of ethnic cleansing and preferred to state that there was a military strategy to maintain a zone around the oil fields. The Sudan People's Liberation Army (SPLA) had exacerbated the problem by declaring oilfields a legitimate military target.

65. Progress was, indeed, being made with respect to establishing a presence in Sudan of the Office of the High Commissioner for Human Rights. It was his understanding that agreements would refer to "technical cooperation" rather than to direct observance of human rights, and that the Office might establish a presence not only in Khartoum, but also in other parts of the country. It was crucial to support transitional measures which could provide relief to the civilian population. The work of Operation Lifeline Sudan (OLS) had been greatly admired in the field. The International Committee of the Red Cross (ICRC) was also to be commended for providing human rights training courses to both sides in the conflict. Above all, it was vital to respect the ceasefire, which the Sudanese Government had correctly described as comprehensive.

66. Although he could not assert that the recruitment of minors was systematic, it was evident that it occurred on both sides. Street children apparently often preferred enlistment to living in a vulnerable situation. The demobilization of child soldiers on both sides should be accompanied by projects to reintegrate those minors into their communities; and the United Nations and non-governmental organizations could provide assistance to that end. It was to be hoped that the efforts of the Libyan Arab Jamahiriya and neighbouring countries, among others, would help bring about lasting peace in the area, which was so vital to the realization of human rights.

67. **Mr. Amorós Núñes** (Cuba) requested further information on the health status of the Sudanese population. The Special Rapporteur might also suggest measures for remedying the country's economic crisis.

68. **Mr. Al Humaimidi** (Iraq) stressed the right of developing countries to self-determination, which included exploitation of their natural resources. The Government of Sudan was exploiting its own oil resources to promote the development of all its people, especially those in the south of the country. The Special Rapporteur had surely not meant to imply that oil exploration must be halted in order to end the conflict.

69. **Mr. Yu Wenzhe** (China) noted the willingness of the Government of Sudan to cooperate with the Special Rapporteur. Its recent efforts to promote human rights in the Sudan were also welcome, especially its decision to prioritize the establishment of appropriate institutional machinery. It was to be hoped that the Office of the High Commissioner for Human Rights would provide technical assistance to that end. His delegation agreed that oil exploration would only further the country's economic recovery, and hence also the human rights situation.

70. **Mr. El-Mufti** (Sudan), stressing his Government's ongoing commitment to human rights, thanked those delegations which had commented on progress made in that field. There was no problem of slavery in the Sudan; the practice did not exist, as many visitors had confirmed. Only one country continued to make allegations to the contrary, no doubt for historical reasons. The Special Rapporteur should return to the Sudan at his earliest convenience if he suspected those allegations to be true; thus far, he had failed to take advantage of the unrestricted access that he had been accorded to the Sudan and had only spent a few hours in one region where the practice was allegedly occurring. The Sudanese Government, for its part, had provided proof of its willingness to cooperate.

71. There was no basis for the allegations of religious intolerance in the Sudan. His Government was among the few that had invited the Special Rapporteur on religious intolerance to visit the country, and there had been no mention of discrimination against Christians in the latter's 1996 report (A/51/542/Add.2). The two religions coexisted, and many Government officials were Christian. He was surprised that the Special Rapporteur considered the Government's exploitation of oil reserves a human rights violation. His country was a large one, and oil was not its only source of wealth. The terrorist attack on the oil pipeline was the only illegal incident that had occurred in that connection, and his Government hoped to find, extradite and prosecute those responsible.

72. In any case, with the exception of one small faction which considered the oil fields legitimate targets, all the opposition parties had stated that they had no objection to the Government's oil-related operations, the profits from which would be used to promote the development of the Sudan and the welfare of its people. His Government had been making major efforts to guarantee the right to health. Unfortunately, a unilateral action by a United Nations Member State, which had bombed a pharmaceuticals factory in violation of international law, had made that impossible.

73. **Mr. Franco** (Special Rapporteur on the situation of human rights in the Sudan) said that it was true that the Government had endeavoured to meet the health needs of its population. However, the war itself and the related expenses had had a negative impact on the social situation. It was also important to ensure access to victims by humanitarian workers. He had not criticized the Government's decision to exploit the country's oil reserves, but only the fact that security measures taken pursuant to that exploitation had resulted in human rights violations.

74. He had every reason to anticipate continued cooperation with the Sudanese Government and had already begun discussions in preparation for his next visit. Owing to the size of the country, it would have been impossible to evaluate the problem of slavery through short on-site visits; he therefore relied on consistent reliable reports from various countries. He welcomed the Government's establishment of the CEAWC and hoped that the problem would soon be solved.

Agenda item 115: Right of peoples to self-determination *(continued)*

75. **Ms. Otiti** (Uganda) informed the Committee that her delegation had intended to vote in favour of draft resolution A/C.3/54/L.29 on the right of the Palestinian people to self-determination at the previous meeting.

The meeting rose at 1.25 p.m.